

**-- REMARKS --**

Reconsideration and allowance of the above identified application are requested

*Oath/Declaration*

A supplemental declaration that identifies a mailing address for the inventor residence is enclosed.

*Drawings*

New drawing sheets are enclosed. The new drawing sheets replace the drawing sheets as originally filed. The new drawing sheets are in compliance with 37 CFR 1.21(d), and include all the figures appearing on the immediate prior version of the sheets. The new sheets present formal drawings of the substantially identical previously presented hand-sketched figures. No new matter has been added in the new figures. Additions to the figures include a container 401 to FIG. 4 as originally claimed in Claims 5 and 29, a wall 305 in FIG. 3 as originally claimed in Claim 24. Some additions or changes to reference numbers as required or for clarity have also been made.

*Specification.*

The paragraphs that start on page 1, line 13, on page 2, line 27, and on page 2, line 44 are amended to correct informalities identified by the Examiner.

The Applicant amends other paragraphs as provide above to correct reference numbers and to further distinguish Applicant's invention as explained in more detail in the following discussion regarding claim rejections.

*Claim Objection.*

Claims 1, 2, 7, and 24 was objected to for informalities. Applicant amends Claims 1, 2, 7, and 24 accordingly.

*35 U.S.C. § 102(b) Claim Rejections.*

The Applicant traverses the rejection of Claims 24-26, 28-36, and 38-43, as amended, as anticipated under 35 U.S.C. § 102 (b) because the Geiben reference cited in the Examiner's Office Action teaches backpacks comprising compartments formed from a rigid frame and a back pack body or covering formed of semi-rigid material. The Applicant's invention on the other hand are backpacks comprising compartments formed from a rigid material capable of forming self-supporting generally fixed shape compartments. Geiben does not teach backpacks comprising self-supporting generally fixed shape compartments made of a rigid material.

*Claim 24*

Regarding Claim 24, for example in FIG. 2 and as explained at Col. 2, lines 16-30, Geiben teaches backpacks having a body or covering, "a semi-rigid material 3," and a frame or support, "a rigid structural reinforcement 4." On the other hand and as shown in FIG. 3 of Applicant's application, the backpack compartments are formed from rigid material so as to form a generally self-supporting fixed shape. Further, at page 1, lines 18-19 of Applicant's application, the Applicant notes that a disadvantage in the prior art is that backpacks typically includes "materials supported on a frame." Clearly, Geiben teaches backpack compartments formed from a rigid frame and a covering, but does not teach the Applicant's invention of backpack compartments formed from a rigid material capable of forming self-supporting generally fixed shape compartments.

Applicant has amended the specification and Claim 24 to clarify the foregoing distinctions, particularly a rigid material capable of forming self-supporting generally fixed shape compartments. In view of the amendment to Claim 24, Applicant requests that the rejections of Claim 24 as being anticipated under 35 U.S.C. § 102 (b) by Geiben be withdrawn.

The cited device of Geiben functions differently from the Applicants' invention. In Geiben, framing such as tubing provide the structural support of the backpack. The non-rigid backpack body attaches to and is supported by structural framing. In Geiben, the backpack body does not provide the required structural support or necessarily any protective advantage. However, in Applicants' device, a rigid material that forms the backpack compartment provides the structural support for the backpack without the need of additional framing or supports. Applicant's mode of support is not taught in Geiben.

Claim 28

Regarding Claim 28, for example in FIG. 3 and as explained at Col. 2, lines 45-48, Geiben teaches backpacks having hinged removable upper section 6 with a lid 7. On the other hand and as shown in FIG. 3 of Applicant's application and explained at page 4, line 95, the backpack includes an access door that is in an exterior surface of a non-removable section of the upper compartment. Clearly, Geiben teaches lids on removable upper backpack section, but does not teach the Applicant's invention of access doors on non-removable compartments.

Applicant has amended the specification and Claim 28 to clarify the foregoing distinctions, particularly an access door that is in an exterior surface of a non-removable section of the upper compartment. Applicant requests that the rejections of Claim 28 as being anticipated under 35 U.S.C. § 102 (b) by Geiben be withdrawn.

The cited device of Geiben operates differently from the Applicants' invention. In Geiben, the hinged removable upper section, which is generally used for storing food, etc., has a lid that is hidden and not generally accessible while backpacking with the backpack supported on a person's shoulders. However, in Applicant's device, that access door is an integral part of the upper compartment so as to allow for the easy access to the upper compartments interior while backpacking to retrieve items such as a camera, binoculars, and so forth. Applicant's mode of operation is not taught in Geiben.

Claim 29

Regarding Claim 29, Claim 29 was rejected under 35 U.S.C. § 102 (b) as being anticipated by Geiben. Because Claim 29 depends from Claim 28, this Claim 29 is also submitted to be distinguished over the reference for the reasons given above for Claim 28. Applicant requests that the Examiner withdraw the rejection of Claim 29 and allow this claim as well.

Claims 25, 26, 30-36, and 38-43

Further, Claims 25, 26, 30-36, and 38-43 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Geiben. Because Claims 25, 26, 30-36, and 38-43 depend from Claim 24, these claims are also submitted to be distinguished over the references for the reasons given above for Claim 24. Applicant requests that the Examiner withdraw the rejection of Claims 25, 26, 30-36, and 38-43 and allow these claims as well.

35 U.S.C. § 103 Claim Rejections.

The Applicant traverses the rejection of Claims 1-4, 7-14, and 17-21, as amended, as obvious under 35 U.S.C. § 103 (a) because Blaisdell et al. in view of Pinkham et al., as cited in the Examiner's Office Action, teach backpack compartments having a support or frame and a module such as a stamped aluminum receptacle. The Applicant's invention on the other hand includes compartments formed from a rigid material capable of forming self-supporting generally fixed shape compartments. Blaisdell et al. in view of Pinkham et al. does not teach backpacks comprising self-supporting generally fixed shape compartments made of a rigid material.

Claim 1

The References Do Not Teach the Claimed Invention

Regarding Claim 1, for example in FIGs. 1 and 2 and as explained at Col. 3, lines 22-25, Blaisdell et al. teaches backpacks compartments having modules 21, 22 and frames 14, 18.

Similarly, Pinkham et al., as shown in FIGs. 2 and 5, teaches backpacks comprising a stamped aluminum receptacle 11 and support straps 22 that are required to support the receptacle when in use. On the other hand and as shown in FIG. 3 of Applicant's application, the backpack compartments are formed from rigid material so as to form a generally self-supporting fixed shape. Further, at page 1, lines 18-19 of Applicant's application, the Applicant notes that a disadvantage in the prior art is that backpacks typically include "materials supported on a frame." Clearly, Blaisdell et al. in view of Pinkham et al. teach backpack compartments formed from a support or frame and a covering or receptacle, but does not teach the Applicant's invention of backpack compartments formed from a rigid material capable of forming self-supporting generally fixed shape compartments.

The References Lack Any Suggestion to Combine and Combining the References Lacks a Reasonable Expectation of Success

Further regarding Claim 1, in FIGs. 1 and 2 and as explained at Col. 3, lines 22-25, Blaisdell et al. teaches backpacks compartments having modules 21, 22 and frames 14, 18 such that the frames form non-flexible supports. Separately, Pinkham et al., as shown in FIGs. 2 and 5, teaches backpacks comprising a stamped aluminum receptacle 11 and straps 22 that are flexible supports that run under the receptacle so as to support the receptacle. Clearly, Blaisdell et al. teach the use of non-flexible supports while Pinkham et al. teach the use of flexible supports. Because Blaisdell et al. and Pinkham et al. teach different types of supports, the references lack any suggestion to combine. Alternatively, even if the references were combined there is no reasonable expectation of success of coming up with the Applicant's invention because the Applicant's invention does not teach the use of supports while both references teach supports.

Applicant has amended the specification and Claim 1 to clarify the foregoing distinctions within the scope of the as-filed application, particularly to clarify the use of a rigid material capable of forming self-supporting generally fixed shape compartments. In view of the

amendment to Claim 1, Applicant requests that the rejections of Claim 1 as being obvious under 35 U.S.C. § 103 (a) be withdrawn.

The cited devices of Blaisdell et al. and Pinkham et al. function differently from the Applicants' invention. In Blaisdell et al. and Pinkham et al., modules and receptacles are supported on a frame or by straps. In Blaisdell et al. and Pinkham et al., the modules and receptacles do not provide the required support. However, in Applicants' device, a rigid material that forms the backpack compartment provides the support for the backpack without the need of additional framing or supports. Applicant's mode of support is not taught in Blaisdell et al. and Pinkham et al. or by any combination of these references.

Claims 2-4, 7-14, and 17-21

Regarding Claims 2-4, 7-14, and 17-21, these claims were rejected as obvious under 35 U.S.C. § 103 (a) over Blaisdell et al. in view of Pinkham et al. Because Claims 2-4, 7-14, and 17-21 depend from Claim 1, these claims are also submitted to be distinguished over the combined references for the reasons given above for Claim 1. Applicant requests that the Examiner withdraw the rejection of Claims 2-4, 7-14, and 17-21 and allow these claims as well.

Claims 5, 6, 15, and 22

The Applicant traverses the rejection of Claims 5, 6, 15, and 22 as obvious under 35 U.S.C. § 103 (a) because Blaisdell et al. in view of Pinkham et al. and in further view of Geiben, as cited in the Examiner's Office Action, teach backpack compartments having a support or frame and a back pack module or body such as a stamped aluminum receptacle. The Applicant's invention on the other hand includes compartments formed from a rigid material capable of forming self-supporting generally fixed shape compartments. Blaisdell et al. in view of Pinkham et al. and in further view of Geiben does not teach backpacks comprising self-supporting generally fixed shape compartments made of a rigid material.

The References Do Not Teach the Claimed Invention, The References Lack Any Suggestion to Combine, and Combining the References Lacks a Reasonable Expectation of Success

Regarding Claims 5, 6, 15, and 22, for the reasons given above for Claims 1 and 24, and because Claims 5, 6, 15, and 22 depend from Claim 1, clearly, Blaisdell et al. in view of Pinkham et al. in further view of Geiben teach backpack compartments formed from a support or frame and a covering, receptacle, or body but do not teach the Applicant's invention of backpack compartments formed from a rigid material capable of forming self-supporting generally fixed shape compartments. Further, Blaisdell et al. and Geiben teach the use of non-flexible supports while Pinkham et al. teach the use of flexible supports. Because Blaisdell et al. and Geiben versus Pinkham et al. teach different types of supports, the references lack any suggestion to combine. Alternatively, even if the references were combined there is no reasonable expectation of success of coming up with the Applicant's invention because the Applicant's invention does not teach the use of framing or supports while the references teach various types of supports.

Further regarding Claim 5 and in addition to the above arguments regarding Claim 5, Geiben teaches for example in FIG. 3 and as explained at Col. 2, lines 45-48, backpacks having hinged removable upper section 6 with a lid 7. On the other hand and as shown in FIG. 3 of Applicant's application and explained at page 4, line 95, the backpack includes an access door that is an integral part of a non-removable section of the upper compartment. Clearly, Geiben teaches lids on removable upper backpack section, but does not teach the Applicant's invention of access doors on non-removable compartments.

Also, in regard to Claim 5, the cited device of Geiben operates differently from the Applicants' invention. In Geiben, the hinged removable upper section, which is generally used for storing food, etc., has a lid that is hidden and not generally accessible while backpacking with the backpack supported on a person's shoulders. However, in Applicant's device, that access door is an integral part of the upper compartment so as to allow for the easy access to the upper compartments interior while backpacking to retrieve items such as a camera, binoculars, and so forth. Applicant's mode of operation is not taught in Geiben.

In addition to the previously noted amendment to Claim 1 and the specification, the Applicant also amends Claim 5 and the specification to clarify the foregoing distinctions within the scope of the as-filed application. In view of the amendments to Claims 1 and 5, and because Claims 5, 6, 15, and 22 depend from Claim 1, Applicant requests that the rejections of Claims 5, 6, 15, and 22 as being obvious under 35 U.S.C. § 103 (a) be withdrawn.

The cited devices of Blaisdell et al., Pinkham et al., and Gieben function differently from the Applicants' invention. In Blaisdell et al., Pinkham et al. and Gieben, modules, receptacles, and pack bodies are supported on a frame or by straps. In Blaisdell et al., Pinkham et al. and Gieben, the modules, receptacles, and pack body do not provide the required support means. However, in Applicants' device, a rigid material that forms the backpack compartment provides the support for the backpack without the need of additional framing or supports. Applicant's mode of support is not taught in Blaisdell et al., Pinkham et al. and Gieben or by a combination of these references.

Claims 16, and 23

The Applicant traverses the rejection of Claims 16 and 23 as obvious under 35 U.S.C. § 103 (a) because Blaisdell et al. in view of Pinkham et al. and in further view of Watt, and Blaisdell et al. in view of Pinkham et al. and in further view of Hodosh as cited in the Examiner's Office Action, teach backpack compartments having a support or frame and a module such as a stamped aluminum body. The Applicant's invention on the other hand includes compartments formed from a rigid material capable of forming self-supporting generally fixed shape compartments. Blaisdell et al. in view of Pinkham et al. and in further view of Watt, and Blaisdell et al. in view of Pinkham et al. and in further view of Hodosh do not teach backpacks comprising self-supporting generally fixed shape compartments made of a rigid material.

The References Do Not Teach the Claimed Invention, The References Lack Any Suggestion to Combine, and Combining the References Lacks a Reasonable Expectation of Success



Regarding Claims 16 and 23, for the reasons given above for Claim 1, and because Claims 16 and 23 depend from Claim 1, clearly, the combined references teach backpack compartments formed from a support or frame and a modules such as stamped aluminum receptacles, but do not teach the Applicant's invention of backpack compartments formed from a rigid material capable of forming self-supporting generally fixed shape compartments. Further, Blaisdell et al. teach the use of non-flexible supports while Pinkhan et al. teach the use of flexible supports. Because Blaisdell et al. and Pinkham et al. teach different types of supports, the references lack any suggestion to combine. Alternatively, even if the references were combined there is no reasonable expectation of success of coming up the Applicant's invention because the Applicant's invention does not teach the use of framing or supports while the references teach various types of supports.

As previously noted, Applicant has amended Claim 1 and the specification to clarify the foregoing distinctions within the scope of the as-filed application, particularly to clarify the use of a rigid material capable of forming self-supporting generally fixed shape compartments. In view of the amendment to Claim 1, the above arguments, and because Claims 16 and 23 depend from Claim 1, Applicant requests that the rejections of Claims 16 and 23 as being obvious under 35 U.S.C. § 103 (a) be withdrawn.

Claims 27, 37, and 44

The Applicant traverses the rejection of Claims 27, 37, and 44 as obvious under 35 U.S.C. § 103 (a) because Geiben in view of Blaisdell et al., Geiben in view of Watt. and Geiben in view of Hodosh, as cited in the Examiner's Office Action, teach backpack compartments having a support or frame and a body supported on the support. The Applicant's invention on the other hand includes compartments formed from a rigid material capable of forming self-supporting generally fixed shape compartments. Geiben in view of Blaisdell et al., Geiben in view of Watt, and Geiben in view of Hodosh do not teach backpacks comprising self-supporting generally fixed shape compartments made of a rigid material.

The References Do Not Teach the Claimed Invention, The References Lack Any Suggestion to Combine, and Combining the References Lacks a Reasonable Expectation of Success

Regarding Claims 27, 37, and 44, for the reasons given above for Claim 24, and because Claims 27, 37, and 44 depend from Claim 24, clearly, the combined references teach backpack compartments formed from a support or frame and a body supported on the support, but do not teach the Applicant's invention of backpack compartments formed from a rigid material capable of forming self-supporting generally fixed shape compartments. Although Geiben and Blaisdell et al. teach backpacks, Watt teaches portable storage container and Hodosh teaches a hand held carrying case. Because Geiben, Watt, and Hodosh teach different types of carrying devices, the references lack any suggestion or motivation to be combined. Alternatively, even if the references were combined there is no reasonable expectation of success of coming up the Applicant's invention because the Applicant's invention does not teach the use of framing or supports while the combined references all include Geiben which teaches the use of support or framing.

As previously noted, Applicant has amended Claim 24 and the specification to clarify the foregoing distinctions within the scope of the as-filed application, particularly to clarify the use of a rigid material capable of forming self-supporting generally fixed shape compartments. In view of the amendment to Claim 24, the above arguments, and because Claims 27, 37, and 44 depend from Claim 24, the Applicant requests that the rejections of Claims 27, 37, and 44 as being obvious under 35 U.S.C. § 103 (a) be withdrawn.

Applicant believes that the amended patent application is now in condition for allowance. Accordingly, the Applicant respectfully requests that a Notice of Allowance be issued in this case. The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes this would advance the prosecution of the matter.

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Respectfully submitted,  
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